

BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF IDAHO

In the Matter of the License of:)
) Case No. PSY-2008-4
JOSHUA GREENLEAF CARPENTER,)
License No. PSY-400,) **STIPULATION AND**
) **CONSENT ORDER**
Respondent.)
)

PSY\Carpenter\P7345lma

WHEREAS, information has been received by the Idaho State Board of Psychologist Examiners (the "Board") that constitutes sufficient grounds for the initiation of an administrative action against Joshua Greenleaf Carpenter ("Respondent"); and

WHEREAS, the parties mutually agree to settle the matter in an expeditious manner in lieu of administrative hearings before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. Stipulated Facts and Law

A.1. The Board regulates the practice of psychology in the State of Idaho in accordance with title 54, chapter 23, Idaho Code.

A.2. The Board has issued License No. PSY-400 to Respondent. Respondent's license is subject to the provisions of title 54, chapter 23, Idaho Code and the Board's rules at IDAPA 24.14.01, *et seq.*

A.3. Pursuant to Idaho Code § 54-2305(h), the Board has adopted a rule requiring continuing education as a condition of continued licensure. Board Rule 401.01 (IDAPA 24.12.01.401.01) requires that all licensed psychologists in the State of Idaho must have completed at least 20 hours per year of continuing education prior to license renewal. In addition, Rule 402.05 limits continuing education credit for self-study to six (6) hours of individual study per year.

A.4. On or about June 12, 2006, Respondent submitted his License Renewal

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Application for the 2006-07 renewal year. As part of his License Renewal Application, Respondent signed the following affidavit:

I hereby certify under penalty of perjury that my responses to the above are true and correct, and that I have met the continuing education requirement as prescribed by the laws & rules applicable to the license for which I am applying to renew, and that documented proof of my attendance is in my possession and will be provided upon request.

A.5. The License Renewal Application further notified Respondent that the Board would conduct random audits to ensure compliance with continuing education requirements.

A.6. On or about August 11, 2006, Respondent was notified that he had been selected for a continuing education audit and was requested to provide documentation of the completion of 20 hours continuing education for the period between June 14, 2005, and June 14, 2006.

A.7. On or about June 8, 2007, Respondent submitted documentation of the following continuing education:

Course Title	Date	Sponsoring Organization	Location	Total hrs
Drug Information for Mental Health	5/31/05	Professional Development Resources, Inc.	Home Study	18
Culturally Diverse Children & Adolescents	6/13/05	Professional Development Resources, Inc.	Home Study	6
Defiant Behavior in Children and Adolescents	8/15/05	Professional Development Resources, Inc.	Home Study	6
Total Hours				30

A.8. Although Respondent submitted a total of 30 continuing education hours, Board Rule 402.05 limits continuing education credit for self-study to 6 hours of individual study per year. Therefore, only 6 hours may be applied to Respondent's continuing education requirements for the audit period (June 14, 2005, to June 14, 2006).

A.9. Despite certifying on his License Renewal Application on June 12, 2006, that he had met the Board's continuing education requirement, Respondent failed to

obtain 20 hours of continuing education in the year before renewal.

A.10. The allegations of Paragraphs A.3 through A.10, if proven, would violate the laws and rules governing the practice of psychology, specifically Idaho Code § 54-2309(d) and IDAPA 24.12.01.401.01. Violations of these laws and rules constitute grounds for disciplinary action against Respondent's license to practice psychology in the State of Idaho.

B. Waiver of Procedural Rights

I, Joshua Greenleaf Carpenter, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraphs A.3 through A.10. I further understand that these allegations constitute cause for disciplinary action upon my license to practice psychology in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of psychology in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

C. Stipulated Discipline

C.1. Respondent shall pay investigative costs and attorney fees in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) within thirty (30) days of the entry of the Board's Order.

C.2. Within six (6) months of the date of entry of the Board's Order, Respondent shall obtain an additional fourteen (14) hours of Board-approved continuing education

credits. Respondent shall submit proof of attendance to the Board within 30 days of attendance, and Respondent shall not practice psychology in the State of Idaho until he has submitted such proof of attendance. This continuing education shall be in addition to any continuing education Respondent is required to obtain to maintain his license.

C.3. At the time Respondent renews his license in 2008, 2009, and 2010, Respondent shall submit with his License Renewal Application documentation verifying completion of the required continuing education.

C.4. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.5. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D. Presentation of Stipulation to Board

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a

majority of the Board and a Board member signs the attached Order.

E. Violation of Stipulation and Consent Order

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

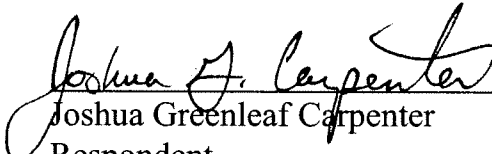
c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

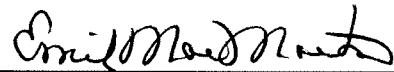
DATED this 14th day of January, 2008.


Joshua Greenleaf Carpenter
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 17th day of January, 2008.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 
Emily A. Mac Master
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-2305, the foregoing is adopted as the decision of the Board of Psychologist Examiners in this matter and shall be effective on the 14th day of February, 2008. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF PSYCHOLOGIST EXAMINERS

By 
Barney Greenspan, Chair

CERTIFICATE OF SERVICE

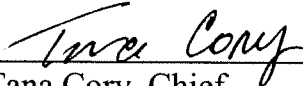
I HEREBY CERTIFY that on this 14th day of February, 2008, I caused to be served a true and correct copy of the foregoing by the following method to:

Joshua Greenleaf Carpenter
P.O. Box 47
Craftsbury Common, VT 05827

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Emily A. Mac Master
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail



Tana Cory, Chief
Bureau of Occupational Licenses